REMARKS

The current Amendment is being filed in response to the April 26, 2007, Office Action. All then pending claims, claims 1-27, stand rejected under various grounds. In response, Applicant has amended claims 1, 16, 22, 24 and 26 to further clarify the claimed inventions. Applicant has also added new claims 28 -61.

In the Office Action, the Examiner has claims 2, 3, 6, 7, 8, 18, 24 under 35 U.S.C. 112, second paragraph as indefinite. In particular, the Examiner has rejected claim 2 based on its recitation of "one direction of said array" and "the other direction of said array." In response, Applicant directs the Examiner to the specification as filed, which, for example, recites:

> Both this mobile station 10 and the carrier used by this mobile station 10 are allocated to the code map of the MAC index, which are stored. As the code map according to the embodiment of the present invention, such a 6-bit code map (see FIG. 2) is used which is constituted by 64 sorts of elements (namely, 0 to 63 elements). At this time, these 64 sorts of elements are allocated to single-carrier terminals **from the forward direction**, whereas these 64 sorts of elements are allocated to multi-carrier terminals **from the reverse direction** by the base station 20 (for example, code maps of MAC indexes are allocated with respect to single-carrier terminals in this order of 0, 1, 2, 3, 4, - - - , and are allocated with respect to multi-carrier terminals in this order of 63, 62, 61, - - - , by base station 20). As a result, both the carriers and the time slots are exclusively allocated to the respective mobile stations, so that both the time slots and the carriers may be effectively utilized under maximum condition.

> Published Application at paragraph [0086] (emphases added).

As shown, by example, in the specification, the base station 20 distinguishes between single carrier terminals and multi-carrier terminals in the way it allocates the 64 elements by allocating those bits in the forward direction of single carrier terminals and from the

reverse or opposite direction for multi-carrier terminals. Thus, there is support for the language of claim 2 in the specification as filed.

The Examiner has rejected claims 6, 7, 8, 18 and 24 based on the recitation in claim 6 of "every said carrier" and in claims 18 and 24 of "every one carrier." Claims 7 and 8 depend from claim 6. Applicant directs the Examiner to Figure 9b and paragraph [0096], for example, for a further understanding of the rejected claim language. Applicant invites the Examiner to contact the Applicant if there is still uncertainty regarding the claimed language.

Claims 1, 4, 5-11 and 16-27 are rejected under 35 U.S.C. 103(a) as unpatentable over US Patent No. 6,018,528 to Gitlin et al. ("Gitlin") in view of US Patent No. 6,631,124 to Koorapaty et al. ("Koorapaty"). Applicant respectfully disagrees that the claimed inventions as clarified are rendered obvious by the combination of Gitlin and Koorapaty for the following reasons.

Koorapaty discloses "the resource allocator is operative to assign time slots, spreading codes, coding rates, and bandwidth to terminals communicating with the base station" in col. 5, lines 49-62 and Figure 3. However, the technique that Koorapaty discloses is only that the resource allocator is operative to assign time slots, spreading codes, coding rates, and bandwidth to terminals. Koorapaty does not disclose or suggest to judge a first wireless communication terminal or a second wireless communication terminal, and then apply the allocation information for a first wireless communication terminal or a second wireless communication terminal. Therefore, there is no motivation to combine Gitlin with the system of Koorapaty wherein a first wireless communication terminal and a second wireless communication terminal do not coexist in the same system (a plurality of users with the different

access speeds do not coexist) because the system of Koorapaty and the system of Gitlin are different from each other.

The claimed inventions apply allocation information for a first wireless communication terminal to a first wireless communication terminal, and apply allocation information for a second wireless communication terminal to a second wireless communication terminal. To that end, claims 1, 16 and 24 now recite "allocation information applying means for applying allocation information for said first wireless communication terminal or said second wireless communication terminal when the carriers are allocated to either said first wireless communication terminal or said second wireless communication terminal." Therefore, the base station can always know which type of mobile station is applied to which carrier. This is different from what is shown or taught in Gitlin or Koorapaty. Thus, a person of ordinary skill in the art would not arrive at the claimed combinations from Gitlin or Koorapaty.

For at least those reasons, any claim dependent on claims 1, 16 and 24 are not obvious over the combination of Gitlin and Koorapaty. New claims 28-61 are allowable for the same reasons.
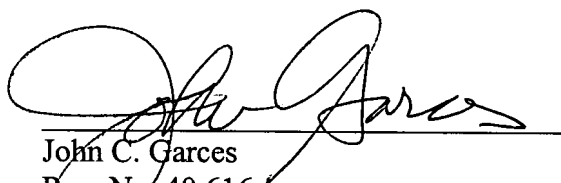
With respect to the rejection of claims 4, 8 and 22, the Examiner seems to be taking Examiner's Notice of certain obvious or well-known facts without providing a reference. Applicant objects to such Notice and requests that if the Examiner maintains the rejections that a reference be supplied for any claimed element that is not expressly taught or shown in Gitlin or Koorapaty. For example, with respect to claim 8, the Office Action recites it "would have been obvious to a person skilled in the art to alternate allocations between users, as this is simply a network parameter that may be chosen by the network administrator." With respect to claim 22, the Office Action recites "it should be noted that it is well know in the art that destination

addresses are allocated in a header of a packet for communication between source and destination. There are other instances in the Office Action.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-53.

Respectfully submitted,

Date: July 26, 2007

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CERTIFICATE OF MAILING

Date of Deposit: <u>July 26, 2007</u>

I hereby certify under 37 C.F.R. 1.8 that this correspondence and enumerated documents are being deposited with the United States Postal Service as First Class Mail with sufficient postage on the date indicated above and is addressed to the Mail Stop - Box Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Roxanne Garcia.

Signature:

Schulte Roth & Zabel, LLP